

Message Text

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P 242239Z MAR 75

FM SECSTATE WASHDC

TO AMCONSUL MONTREAL PRIORITY

C O N F I D E N T I A L STATE 066544

FOLLOWING REPEAT GENEVA 2004 ACTION SECSTATE DATED 21 MAR 75

QUOTE

C O N F I D E N T I A L GENEVA 2004

FROM USDEL LOS

E.O. 11652: GDS

TAGS: PLOS, PORG, EAIR, ICAO

SUBJECT: LOS: ICAO - CWP/6154 ON LAW OF THE SEA

REF: STATE 061200

1. IT IS ESSENTIAL THAT OVERFLIGHT ISSUE BE KEPT WITHIN THE SCOPE OF LOS NEGOTIATIONS. A STATEMENT BY THE ICAO REPRESENTATIVE WOULD BE VERY HELPFUL IF IT INCLUDED THE FOLLOWING POINTS: (1) THAT OVERFLIGHT OF INTERNATIONAL STRAITS, ECONOMIC ZONES AND ARCHIPELAGOS WAS WITHIN PURVIEW OF LOS CONFERENCE; (2) SUPPORT FOR THE US OVERFLIGHT POSITION. SUCH AN AFFIRMATIVE STATEMENT IS ENCOURAGED.

2. POINT (1) ABOVE CAN BE ACHIEVED BY EITHER AN EXPLICIT AMENDMENT OF THE ICAO OBSERVER'S REPORT ON CARACAS OR IMPLICITLY BY FAILURE OF ICAO TO OBJECT TO
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CONSIDERATION IN LOS CONFERENCE. POINT (2) CAN BE

ACHIEVED BY THE FOLLOWING AMENDMENTS TO THE TEXT OF
REFERENCED CABLE:

PARAGRAPH 2(A)(II) - DELETE THE WORD "CIVIL"

PARAGRAPH 2(B)(I), 2ND SENTENCE - DELETE THE WORD
"CIVIL"; DELETE THE PHRASE "(APPARENTLY NOT)"

PARAGRAPH 2(C)(II) - DELETE THE WORD "CIVIL".
DELETION OF THE WORD "CIVIL" IS NECESSARY TO AVOID THE
NEGATIVE IMPLICATION THAT STATE AIRCRAFT ARE NOT
INCLUDED. DELETION OF THE PHRASE "(APPARENTLY NOT)" WILL
CORRECT A FACTUAL INACCURACY. THE CLEAR MAJORITY VIEW
AT THE LOS CONFERENCE IS THAT THE ECONOMIC ZONE WILL BE
HIGH SEAS, WITH THE RIGHTS OF THE COASTAL STATE WITHIN
THAT HIGH SEAS ZONE BEING STILL AT ISSUE.

3. IF FAVORABLE STATEMENT IS NOT ACHIEVABLE, ALTERNATIVE
OF NO ICAO STATEMENT IS RECOMMENDED. ADVERSE STATEMENT
BY ICAO OBSERVER COULD BE DISASTROUS TO LOS NAVIGATION
OBJECTIVES.

4. LOS DELEGATION LACKS EXPERTISE IN ICAO COUNCIL POLITICS
AND PROCEDURES AND THEREFORE REQUIRES CAREFUL ASSESSMENT OF
RISKS INVOLVED IN PURSUING EITHER ALTERNATIVE. PLEASE
ADVISE ASAP OF ASSESSMENT OF SUCCESS FOR EITHER
ALTERNATIVE. DALE
UNQUOTE
KISSINGER

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